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OFFICE OF PETITIONS

In re Application of	:	
Frietas, et al.	:	
Application No. 09/759,204	:	ON PETITION
Filed: January 16, 2001	:	
Attorney Docket No. PALM-0899	:	

This is a decision on the petition under 37 CFR 1.137(b), filed April 21, 2005.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a response to the non-final Office action mailed April 8, 2004. This Office action set a shortened statutory period for reply of three months. No extensions of time under 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on July 9, 2004. A Notice of Abandonment was mailed on November 3, 2004.

Petitioner has paid the petition fee, submitted the required reply in the form of an amendment, and made the proper statement of unintentional delay.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the \$1020 extension of time fee submitted with the petition on April 21, 2005 was subsequent to the maximum period obtainable for reply (October 8, 2004), this fee has been refunded to petitioner's Deposit Account 50-1914.

The Revocation and Power of Attorney submitted with the instant petition has been entered. Future correspondence concerning this application will be mailed to the above address of record.

The application file is being forwarded to Group Art Unit 2121 for consideration of the amendment filed April 21, 2005.

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo

Cliff Congo
Petitions Attorney
Office of Petitions